

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

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U.S. DISTRICT COURT
N.D. OF ALABAMA

MARIE WHITE,	}	
	}	
Plaintiff,	}	
	}	CIVIL ACTION NO.
v.	}	
	}	99-AR-1167-S
BEVERLY HEALTH AND	}	
REHABILITATION SERVICES, INC.	}	
	}	
Defendant.	}	

ENTERED
FEB 22 2000

MEMORANDUM OPINION

The court has for consideration defendants' motion to dismiss, styled "Defendants' Amended Motion to Compel." Defendants' motion to compel was filed on February 3, 2000, and was placed on this court's regular motion docket on February 18, 2000. Plaintiff filed no response and did not appear for oral argument. She made no attempt whatsoever to justify or excuse her failure to respond to defendants' request for production. It now appears that plaintiff has never complied with the pretrial disclosure requirements of Local Rule 26.1(a)(1) and failed to appear for a properly noticed deposition on February 15, 2000. Plaintiff's flagrant and continuing violations of the discovery rules makes it impossible for defendant to meet the deadline of March 1, 2000, for completing discovery, a deadline that plaintiff agreed to and that was established by this court's order entered on June 28, 1999.

The court sees no reason to order plaintiff to do what the court has already ordered plaintiff to do. The court is not required to beg parties to comply with the rules of the court or with the prior orders of the court. Because the appropriate sanction under the circumstances is dismissal, defendants' motion to dismiss will be granted by separate order.

DONE this 22nd day of February, 2000.

A handwritten signature in black ink, appearing to read "William M. Ackers, Jr.", written over a horizontal line.

WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE